GOVERNMENT OF KERALA
1967

Reg. No. K. 107

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EXTRAORDINARY
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Vol. XII] Trivandrum, Wednesday, 22nd November 1967 / 1st Agrahayana 1889 [No. 222

GOVERNMENT OF KERALA

Food Department

NOTIFICATION

No. 2343|Fd. B5|67|Fd. D. *Dated, Trivandrum, 22nd November 1967.*

In exercise of the powers conferred by sub-section (1) and clause (c) of sub-section (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111 dated the 24th July, 1967 published in the Gazette of India Extra-ordinary Part II, Section 3, sub-section (i) dated the 24th July, 1967 and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following

amendment to the Kerala Paddy (Maximum Prices) Order, 1965, namely:—

AMENDMENT

In the said Order, the following shall be added as a Note under clause 2, namely:—

"*Note*.—For the purpose of this Order, 'paddy' shall *not* include 'seed paddy.' "

By order of the Governor,

K. NARAYANAN,

Additional Secretary to Government (Food).

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XII] Trivandrum, Wednesday, 22nd November 1967 / 1st Agrahayana 1889 [No. 223

GOVERNMENT OF KERALA

Food Department

THE KERALA SUGAR DEALERS' LICENSING ORDER, 1967

No. 16101|Fd.P2|67-1|Fd.D.

Dated, Trivandrum, 22nd November 1967.

Whereas the Government of Kerala are of opinion that it is necessary and expedient so to do for maintaining the supplies of sugar and for securing their equitable distribution and availability at fair prices;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111 dated the 24th July, 1967 published in the Gazette of India Extra-ordinary, Part II, Section 3, sub-section (i), dated the 24th July, 1967 and with the prior concurrence of the Central

Government, the Government of Kerala hereby make the following Order, namely:—

ORDER

1. *Short title, extent and commencement.*—(1) This Order may be called the Kerala Sugar Dealers' Licensing Order, 1967.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "dealer" means a person engaged in the business of purchase, sale or storage for sale of sugar in quantities exceeding 5 quintals at any one time but does not include an industrial undertaking which is engaged in the manufacture or production of sugar and which is registered or licenced under the Industries (Development and Regulation) Act, 1961;

(b) "form" means a form set forth in the Schedule to this Order;

(c) "free sale sugar" means sugar supplied to dealers directly by sugar factories from the quota allotted to them for free sale by the Central Government;

(d) "levy sugar" means sugar supplied by the State Government from the sugar made available to them by the Central Government by levy on sugar factories;

(e) "licensing authority" means an officer appointed by the Government to exercise the powers and perform the duties of the licensing authority under this order in respect of retailers or wholesalers or both;

(f) "retailer" means a dealer who is not a wholesaler;

(g) "sugar" means any form of sugar containing more than 90% sucrose, excluding khandsari sugar;

(h) "wholesaler" means a dealer who sells sugar to other dealers or to bulk consumers.

3. *Licesing of dealers.*—(1) No person shall carry on business as a dealer in levy sugar or free sale sugar except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority:

Provided that licensees under the Kerala Sugar Dealers' Licensing Order, 1963 shall be deemed to be licensees under this Order for sale of levy sugar till the expiry of the licences issued to them under the Kerala Sugar Dealers' Licensing Order, 1963.

(2) A separate licence shall be necessary for each place of business.

(3) A separate licence shall be necessary for dealing in sugar as a wholesaler or a retailer.

(4) For the purpose of this clause any person who stores sugar in any quantity exceeding 5 quintals at one time shall, unless the contrary is proved, be deemed to store the sugar for the purpose of carrying on the business of purchase or sale or storage for sale of sugar.

(5) Licence for dealing in levy sugar and free sale sugar shall not be granted to the same person:

Provided that Government may, if they are satisfied that it is necessary so to do in the public interest, by written order, specifying the reasons therefor, exempt any dealer from the provisions of this sub-clause.

4. *Issue of licence.*—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

(2) Every licence issued, reissued or renewed under this Order shall be in Form 'B' and shall be subject to the conditions specified therein.

5. *Period of licence and fees chargeable.*—(1) Every licence granted under this Order shall be valid from the date of issue to the last day of March of the financial year in which it is issued and may thereafter be renewed for a further period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely:—

For issue of a licence—Rs. 10
For renewal of licence—Rs. 5
For issue of a duplicate licence—Rs. 20

6. *Deposit of security.*—(1) Every dealer who is granted a licence under this Order, shall, before the licence is issued to him, furnish a security deposit to the licensing authority as specified hereunder for the due performance of the conditions subject to which the licence is granted to him:—

(i) If he is a retailer—A sum of Rs. 50; and

(ii) If he is a wholesaler,—

(a) a sum of Rs. 250—If his annual turn-over is less than Rs. 50,000.

(b) a sum of Rs. 500—If his annual turn-over is between Rs. 50,000 and Rs. 1,00,000.

(c) a sum of Rs. 750—If his annual turn-over is between Rs. one lakh and Rs. two lakhs.

(d) a sum of Rs. 1,000—If his annual turn-over exceeds Rs. two lakhs:

Provided that in the case of authorised retail distributors and authorised wholesale distributors appointed under the Kerala Rationing Order, 1966, the security deposits shall be the amounts fixed by the Government under clause 45 (5) and 51 (5) respectively of the said Order.

Note:— The security shall be in any of the forms and subject to the conditions prescribed in Article 304 of the Kerala Financial Code and shall be pledged in favour of the licensing authority.

7. *Power to refuse licence.*—The licensing authority may, in the interest of the general public and for reasons to be recorded n writing and after giving the dealer concerned an opportunity of stating his case, refuse to grant, re-issue or renew a licence.

8. *Contravention of conditions of licence, etc.*—(1) No holder of a licence issued under this Order or his servants or agents or any other persons acting on his behalf shall contravene any of the terms and conditions of the licence or the provisions of this Order and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence or provisions of this Order or any other Order issued by a competent authority under Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), which is for the time being enforced, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by the licensing authority or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer or any officer of the Revenue Department not below the rank of Tahsildar by an order in writing:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case in writing against the proposed cancellation or suspension.

(2) Notwithstanding anything contained in sub-clause (1). where a licensee has been convicted by a Court of law in respect of contravention of any order made under Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), relating to foodstuffs including edible oilseeds and oils, the licensing authority may, by an order in writing, cancel his licence:

Provided that where such conviction is set aside in any appeal or revision, the licensing authority may, on application in Form 'A' by the person whose licence has been cancelled re-issue the licence to such person.

9. *Disposal of stock when licence is cancelled or suspended.*—When a licence issued under this Order is cancelled or suspended the stocks of sugar available with the licensee at the time of such cancellation or suspension shall be disposed of in accordance with the directions of the licensing authority or the officer passing the order of cancellation or suspension.

10. *Forfeiture of security deposit.*—(1) Without prejudice to the provisions of clause 8, if the licensing authority or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer or any officer of the Revenue Department not below the rank of Tahsildar is satisfied that the licensee has contravened any of the conditions of the licence and that forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by an order in writing, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 6, forthwith deposit further security to make up that amount on being required by the licensing authority to do so.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee, after the termination of the licence.

11. *Appeal and Revision.*—(1) Any person aggrieved by any order of the licensing authority refusing to grant, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this Order, may appeal to the Commissioner of Civil Supplies within thirty (30) days of the date of receipt by him of such order.

(2) Any person aggrieved by any order of any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer or any officer of the Revenue Department not below the rank of Tahsildar cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this Order may appeal to such authority as the Government may specify in this behalf by notification in the Gazette within thirty (30) days of the date of receipt by him of such order.

(3) The Government may call for and examine the records of any order passed by any subordinate authority under the provisions of this Order for the purpose of satisfying themselves as to the legality or to the propriety of such order and may pass such order in reference thereto as the Governmnt may deem fit:

Provided that no order to the disadvantage of a person shall be passed under this clause unless the person concerned is given an opportunity of making any representation which he may wish

(4) No order shall be made under sub-clause (1) or sub-clause (2) unless the aggrieved person has been given a reasonable opportunity of stating his case.

12. *Power of entry, search, seizure, etc.*—(1) The licensing authority or any officer of the Civil Supplies Department not below the rank of Rationing Inspector or any officer of the Revenue Department not below the rank of Tahsildar or any officer of the Police Department not below the rank of Sub-Inspector or any Municipal Commissioner or any Panchayat Executive Officer or any other officer authorised by the Government in this behalf, may, where he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder has been, or is being, or is about to be, committed, or generally for the purpose of satisfying himself that the provisions of this Order and the conditions of any licence issued thereunder are being complied with, with such assistance, if any, as he thinks fit—

(a) require the owner, occupier or any other person in charge of any place, premises, vehicles or vessel connected with, or in use for the purpose of his trade to produce any book, accounts or other documents showing all or any of his transactions;

(b) enter, inspect or break open and search any place or premises, vehicle or vessel, connected with or in use for the purpose of his trade;

(c) take or cause to be taken extracts from or copies of any documents showing all or any of his transactions; and

(d) search, seize or remove stocks of sugar and the animals, vehicles, vessels or other conveyances connected with or used in carrying sugar and take or authorise the taking of all measures necessary for securing the production of stocks of sugar and the animals, vehicles, vessels, or other conveyances so seized, in a Court and for their custody pending such production.

(2) The provisions of sections 102 and 103 of the Criminal Procedure Code, 1898 (Central Act 5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

13. *Repeal and saving.*—(1) The Kerala Sugar Dealers' Licensing Order, 1963, published with Government Order No. G.O.(P) No. 110|Agri. dated 14th January, 1963, shall stand repealed except as respects things done or omitted to be done under the Order so repealed and subject to the proviso to sub-clause (1) of clause 3 of this Order.

(2) Nothing in this Order shall apply to the sale or storage for sale or purchase of sugar on the Central Government, State Government or Food Corporation of India account.

SCHEDULE

FORM 'A'

[See clause 4 (1)]

THE KERALA SUGAR DEALERS' LICENSING ORDER, 1967

Application for licence as Wholesaler|Retailer

1. Applicant's name.
2. Applicant's profession.
3. Applicant's residence.
4. Situation of applicant's place or places of business with particulars as to number of house, street and ward, town or village and District.
5. How long has the applicant been trading in sugar?
6. Did the applicant hold a sugar licence on any previous occasion? (If so, give particulars including its suspension or cancellation, if any).
7. Whether the applicant is or has been an authorised wholesale distributor or authorised retail distributor under the Kerala Rationing Order, 1966. (If so, give particulars including suspension or cancellation of appointment if any).
8. Incometax and salestax paid in the two years preceding the year of application (to be indicated separately for each tax for each year).
   (1) ....
   (2) ....
9. Whether the applicant wants to deal in levy sugar or free sale sugar.
10. Whether the applicant wants to deal in levy sugar|free sale sugar as a wholesaler or retailer.

I have carefully read the conditions of licence given in Form 'B' appended to the Kerala Sugar Dealers' Licensing Order, 1967 and I agree to abide by them.

*(a) I have not previously applied for a licence in this District under this Order.

*(b) I applied for such licence in this District for............ on.................. and was|was not granted a licence on.................

*(c) I hereby apply for renewal of licence No.................. dated..............issued to me on.....................

Place: Signature of the applicant.

Date:

*Strike off the clauses not applicable.

FORM 'B'

[See clause 4(2)]

THE KERALA SUGAR DEALERS' LICENSING ORDER, 1967

Licence for purchase, Sale or Storage of Sugar for sale .

Licence No.............

1. Subject to the provisions of the Kerala Sugar Dealers' Licensing Order, 1967, and to the terms and conditions of this Licence,.......................is|are hereby authorised to purchase, sell or store free sale sugar|levy sugar for sale as wholesaler|retailer.

2. The Licensee shall carry on the aforesaid business at the following place:

....

....

3. (i) The Licensee shall maintain a register of daily accounts for free sale sugar|levy sugar showing correctly:—

(a) the opening stock on each day;

(b) the quantities received on each day showing the place from where and the source from which received;

(c) the quantities delivered or otherwise removed on each day showing the places of destination; and

(d) the closing stock on each day.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

4. The Licensee shall submit to the licensing authority concerned or such other officer as is nominated by him, a true return, in Form 'C', of the stocks, receipts and deliveries of the sugar every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.

5. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the name, address, the licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by him in this behalf.

*6. The licensee shall sell levy sugar only to cardholders or permit-holders registered with him under directions from or on special permits issued by the licensing authority or any other officer authorised by him in this behalf.

*7. The licensee shall sell levy sugar only at the price fixed by the licensing authority or any officer authorised by him in this behalf.

8. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of sugar and for the taking of samples of sugar for examination.

*9. The licensee for levy sugar shall comply with any direction that may be given to him by the Government or the licensing authority or any officer authorised by him in this behalf, in regard to purchase, sale and storage for sale of sugar.

10. The licensee shall comply with any direction that may be given to him by the Government or the licensing authority or any officer authorised by him in this behalf and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 5 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.

11. This licence shall be attached to any application for renewal.

12. This licence shall be valid up to........................

Place:
Date: Seal Signature of the licensing authority.

*Strike off in the case of dealers of free sale sugar.

FORM 'C'

For use by a Dealer

(*See* condition 4 of Form 'B')

Return of stocks, receipts and sales of sugar for the fortnight ending................19....

Name .. ..
Number of licence .. ..
Wholesaler or retailer .. ..
Address .. ..

Particulars of godowns where stock held and quantity in stock in each quality of levy sugar|free sale sugar in stock in bags|quintals.

Sl. No.	Particulars of godowns	Quantity in stock bags|quintals	Remarks, if any
1.			
2.			
3.			
4.			

1. Stock at the beginning of the fortnight:
   (a) actually with the licensee...................... bags|quintals.

(b) pledged with any person or institution such as a Bank or Co-operative Society.............................. bags|quintals.

Total..................bags|quintals.

2. Quantity purchased during the fortnight.

Sl. No.	Name of factory from whom purchased	Quantity (In bags|quintals)
1.		
2.		
3.		
4.		
Total		

3. Quantity received out of quantity purchased:

Sl. No.	From (Name of factory)	Quantity (In bags|quintals)	Date of purchase
1.			
2.			
3.			
4.			
Total			

4. Quantity sold:

(a) Quantity sold|and delivered| removed during the fortnight................bags|quintals:

(b) Quantity sold but not yet delivered:

....

Total sold....................bags|quintals.

5. Stock at the end of the fortnight:

(a) actually with the licensee:

(i) unsold ....

(ii) sold but awaiting delivery ....

(b) pledged with any other person or institution such as a Bank or a Co-operative Society............

Total ....

To

Licensing Authority,

....

.... District.

Place:

Date:

GOVERNMENT OF KERALA

Food Department

NOTIFICATIONS

I

No. 16101|Fd. A2|67-2|Fd.D.
Dated, Trivandrum, 21st November 1967.

In exercise of the powers conferred by sub-clause (3) of clause 1 of the Kerala Sugar Dealers' Licensing Order, 1967, the Government of Kerala hereby appoint the 23rd day of November, 1967, as the date on which the said Order shall come into force in the whole of the State of Kerala.

II

No. 16101|Fd.A2|67-3|Fd.D.
Dated, Trivandrum, 21st November 1967.

In exercise of the powers conferred by sub-clause (e) of clause 2 of the Kerala Sugar Dealers' Licensing Order, 1967, the Government of Kerala hereby appoint the District Collectors within their respective jurisdictions to exercise the powers and perform the duties of the licensing authority under the said Order in respect of wholesalers.

III

No. 16101|Fd.A2|67-4|Fd.D.
Dated, Trivandrum, 21st November 1967.

In exercise of the powers conferred by sub-clause (e) of clause 2 of the Kerala Sugar Dealers' Licensing Order, 1967, the Government of Kerala hereby appoint the Revenue Divisional Officers within their respective jurisdictions to exercise the powers and perform the duties of the licensing authority under the said Order in respect of retailers.

IV

No. 16101|Fd.A2|67-5|Fd.D.
Dated, Trivandrum, 21st November 1967.

In exercise of the powers conferred by sub-clause (2) of clause 11 of the Kerala Sugar Dealers' Licensing Order, 1967, the Government of Kerala hereby specify the authorities mentioned in column (1) of the Schedule below to entertain and to dispose of

appeals on the original orders passed under the said clause by the officers specified against each of them in column (2) thereof:—

Schedule

(1)	(2)
(1) Government	(i) Commissioner of Civil Supplies. (ii) Director of Civil Supplies.
(2) Director of Civil Supplies	(i) Deputy Commissioner of Civil Supplies. (ii) Controller of Rationing.
(3) District Collectors	(i) District Supply Officer. (ii) Any officer not below the rank of Deputy Collector other than Revenue Divisional Officer.
(4) Deputy Commissioner of Civil Supplies	(i) Assistant Commissioner (Movement). (ii) Inspecting Assistant Commissioner. (iii) Assistant Commissioner of Civil Supplies.
(5) Controller of Rationing	Deputy Controller of Rationing.
(6) Revenue Divisional Officer	(i) Taluk Supply Officer (ii) City Rationing Officer (iii) Tahsildar (iv) Any officer not below the rank of Tahsildar.

By order of the Governor,

K. NARAYANAN,

Additional Secretary to Government (Food).